

Contingency Contracting Terms

Acquisition means the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Best Value means the expected outcome of an acquisition that, in the Government's estimation, provides the greatest overall benefit in response to the requirement.

Combatant Commander means the commander of a unified or specified combatant command established in accordance with 10 U.S.C. 161.

Contingency is a situation requiring military operations in response to natural disasters, terrorists, subversives, or as otherwise directed by appropriate authority to protect US interests.

Contingency Contract is a legally binding agreement for supplies, services, and construction let by government contracting officers in the operational area as well as other contracts that have a prescribed area of performance within a designated operational area.

Contingency Contracting is the process of obtaining goods, services, and construction via contracting means in support of contingency operations (declared or non-declared, military operations, stability operations, natural disasters, and other calamitous events).

Contingency Operation ([10 U.S.C. 101\(a\)\(13\)](#)) means a military operation that—
(1) Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
(2) Results in the call or order to, or retention on, active duty of members of the uniformed services under section 688, [12301\(a\)](#), [12302](#), [12304](#), [12304a](#), [12305](#), or [12406](#) of 10 U.S.C., [Chapter 15 of 10 U.S.C.](#), or any other provision of law during a war or during a national emergency declared by the President or Congress.

Continuity of Operations is the degree or state of being continuous in the conduct of functions, tasks, or duties necessary to accomplish a military action or mission in carrying out the national military strategy.

Contract means a mutually binding legal relationship obligating the seller to furnish the supplies or services (including construction) and the buyer to pay for them. It includes all types of commitments that obligate the Government to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts

include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; orders, such as purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. Contracts do not include grants and cooperative agreements covered by [31 U.S.C. 6301](#), *et seq.* For discussion of various types of contracts, see [Part 16](#).

Contracting means purchasing, renting, leasing, or otherwise obtaining supplies or services from nonfederal sources. Contracting includes description (but not determination) of supplies and services required, selection and solicitation of sources, preparation and award of contracts, and all phases of contract administration. It does not include making grants or cooperative agreements.

Contracting Office means an office that awards or executes a contract for supplies or services and performs post-award functions not assigned to a contract administration office (except for use in [Part 48](#), see also [48.001](#)).

Contracting Officer means a person with the authority to enter into, administer, and/or terminate contracts and make related determinations and findings. The term includes certain authorized representatives of the contracting officer acting within the limits of their authority as delegated by the contracting officer. “Administrative contracting officer (ACO)” refers to a contracting officer who is administering contracts. “Termination contracting officer (TCO)” refers to a contracting officer who is settling terminated contracts. A single contracting officer may be responsible for duties in any or all of these areas. Reference in this regulation (48 CFR Chapter 1) to administrative contracting officer or termination contracting officer does not—

- (1) Require that a duty be performed at a particular office or activity; or
- (2) Restrict in any way a contracting officer in the performance of any duty properly assigned.

Contracting Officer’s Representative (COR) means an individual, including a contracting officer’s technical representative (COTR), designated and authorized in writing by the contracting officer to perform specific technical or administrative functions. The term “contracting officer’s representative” is used primarily by the Army, Navy, DoD, DLA, and DCMA. The Air Force uses the term “quality assurance personnel” for an equivalent position. Other agencies commonly use terms such as “contracting officer’s technical representative” (COTR) and “task order manager” (TOM).

Designated Operational Area means a geographic area designated by the combatant commander or subordinate joint force commander for the conduct or support of specified military operations.

Humanitarian or Peacekeeping Operation means a military operation in support of the provision of humanitarian or foreign disaster assistance or in support of a peacekeeping operation under Chapter VI or VII of the Charter of the United Nations. The term does not include routine training, force rotation, or stationing ([10 U.S.C. 2302\(8\)](#) and [41 U.S.C. 259\(d\)](#)).

Micro-purchase means an acquisition of supplies or services using simplified acquisition procedures, the aggregate amount of which does not exceed the micro-purchase threshold.

Micro-purchase Threshold means \$3,000, except it means—

- (1) For acquisitions of construction subject to the Davis-Bacon Act, \$2,000;
- (2) For acquisitions of services subject to the Service Contract Act, \$2,500; and
- (3) For acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack, as described in [13.201\(g\)\(1\)](#), except for construction subject to the Davis-Bacon Act ([41 U.S.C. 428a](#))—
 - (i) \$15,000 in the case of any contract to be awarded and performed, or purchase to be made, inside the United States; and
 - (ii) \$30,000 in the case of any contract to be awarded and performed, or purchase to be made, outside the United States.

Reservist is a member of the Military Service who is not in active service but who is subject to call to active duty.

Simplified Acquisition Threshold means \$150,000, except for acquisitions of supplies or services that, as determined by the head of the agency, are to be used to support a contingency operation or to facilitate defense against or recovery from nuclear, biological, chemical, or radiological attack (41 U.S.C. 428a), the term means—

- (1) \$300,000 for any contract to be awarded and performed, or purchase to be made, inside the United States; and
- (2) \$1 million for any contract to be awarded and performed, or purchase to be made, outside the United States.

Theater Business Clearance (TBC) is the process which provides Joint Force Commanders and the CENTCOM Contracting Commander visibility over all contracts and contractors performing work in their area of responsibility.

Theater Security Cooperation refers to those activities that encompass a wide variety of activities overseen and implemented by Combatant Commands and the Military Services, including military exercises and training events. Actions in accordance with Secretary of Defense Guidance, to:

- (1) Build relationships that promote specified U.S. interests
- (2) Build allied and friendly capabilities for self-defense and coalition operations
- (3) Provide U.S. forces with peacetime and contingency access.